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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

DANA GILBERT, on behalf of herself and  
all others similarly situated.

Case No. C-08-0385-SC

JOINT STIPULATION AND [PROPOSED]  
ORDER PERMITTING FILING OF SECOND  
AMENDED COMPLAINT

**Plaintiff.**

V.

**CITIGROUP, INC.,**

Defendant.

The parties enter into this Stipulation Permitting Plaintiff to File a Second Amended Complaint.

WHEREAS Plaintiff filed the Complaint in this matter on January 22, 2008 naming Citigroup, Inc. as a defendant; and

WHEREAS Plaintiff filed the First Amended Complaint on March 27, 2008 adding certain causes of action; and

WHEREAS Plaintiff caused the First Amended Complaint to be served on defendant Citigroup, Inc. on April 28, 2008; and

WHEREAS Defendant contends that Citigroup, Inc. is not the proper legal vehicle related to the claims in this case and that, based on the claims asserted in the First Amended

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1 Complaint, the proper legal vehicle related to the claims alleged in the First Amended  
 2 Complaint is Citibank, N.A.;

3 WHEREAS Plaintiff cannot verify, one way or the other, Defendant's contention at this  
 4 point as discovery has no yet commenced; and

5 WHEREAS the parties have mutually agreed that Plaintiff should be allowed to amend  
 6 the First Amended Complaint to name Citibank, N.A., as a defendant in this action.

7 IT IS HEREBY STIPULATED BY THE PARTIES AS FOLLOWS:

8 1. Plaintiff may file a Second Amended Complaint naming Citibank, N.A., as a  
 9 defendant in this action.

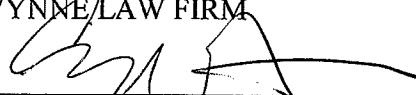
10 2. Plaintiff shall file her Second Amended Complaint within ten (10) days of  
 11 service of the Order granting her leave to amend.

12 3. Defendants Citigroup, Inc. and Citibank, N.A. shall have twenty (20) days after  
 13 service of the Second Amended Complaint to respond thereto.

14 4. Nothing in this Stipulation shall be deemed a waiver by Citigroup, Inc. of any  
 15 argument that it is not a proper party to this matter.

16 Dated: May 15, 2008

17 WYNNE LAW FIRM

18   
 19 Edward J. Wynne  
 20 Attorneys for Plaintiff  
 21 Dana Gilbert

22 Dated: May 14, 2008

23 KEE SAL, YOUNG & LOGAN

24   
 25 Lisa M. Bertain  
 26 Christopher A. Stecher  
 27 Attorneys for Defendants  
 28 Citigroup, Inc. and Citibank, N.A.

1 PURSUANT TO STIPULATION, IT IS SO ORDERED.  
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4 Date: \_\_\_\_\_, 2008  
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SAMUEL CONTI  
UNITED STATES DISTRICT JUDGE

## **PROOF OF SERVICE**

I am employed in the County of Marin; I am over the age of eighteen years and not a party to the within entitled action; my business address is 100 Drakes Landing Road, Suite 275, Greenbrae, CA 94904.

On May 15, 2008, I served the following document(s) on the interested party(ies) in this action by placing true copies thereof enclosed in sealed envelopes and/or packages addressed as follows:

**JOINT STIPULATION AND [PROPOSED] ORDER PERMITTING FILING OF  
SECOND AMENDED COMPLAINT**

- BY MAIL:** I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Lisa M. Bertain  
Christopher A. Stecher  
**KEESAL, YOUNG & LOGAN**  
Four Embarcadero Center, Suite 1500  
San Francisco, California 94111

- FEDERAL:** I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on May 15, 2008 at Greenbrae, California.

Hi A. Phillips  
Heidi Phillips